

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

PEDRO GARCIA,

Plaintiff,

v.

M. JOHN BERRY,

Civil Action No. 2:09cv262

and

**UNITED STATES OFFICE OF
PERSONNEL MANAGEMENT**

Defendants.

NOTICE OF APPEAL

Notice is hereby being given that the Plaintiff, Pedro Garcia, by counsel, hereby appeals the judgment and order entered on December 14, 2009, which constituted a final order dismissing Count I of Plaintiff's Complaint for termination in violation of 5 U.S.C. § 7701(c)(1)(A) and other laws to the United States Court of Appeals for the Fourth Circuit.

Respectfully submitted,

PEDRO GARCIA

By: /s/
Of Counsel

James H. Shoemaker, Jr., VSB No. 33148
Counsel for Plaintiff Pedro Garcia
Patten, Wornom, Hatten & Diamonstein, L.C.
12350 Jefferson Avenue, Suite 300
Newport News, Virginia 23602
Telephone: (757) 223-4580
Facsimile: (757) 223-4474
Jshoemaker@pwhd.com

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of January, 2010, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to the following:

Kent P. Porter
Assistant United States Attorney
Attorney for Federal Defendants
United States Attorney's Office
101 West Main Street, Suite 8000
Norfolk, Virginia 23510
Telephone: 757-441-6331
Facsimile: 757-441-6689
Kent.Porter@usdoj.gov
Counsel for Defendants

/s/
James H. Shoemaker, Jr., VSB No. 33148
Patten, Wornom, Hatten & Diamonstein, L.C.
12350 Jefferson Avenue, Suite 300
Newport News, Virginia 23602
Telephone: (757) 223-4580
Facsimile: (757) 223-4474
Jshoemaker@pwhd.com